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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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*Ex parte* EMEK SADOT and EPHRAIM ZILBERSHTEIN

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Appeal 2007-3350
Application 09/915,609
Technology Center 2100

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Decided: January 9, 2008

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Before HOWARD B. BLANKENSHIP, ST. JOHN COURTENAY III, and
STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.


DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's
Final Rejection of claims 1-22. We have jurisdiction under 35 U.S.C.
§ 6(b). We reverse.

## A. INVENTION

1 The invention at issue involves pre-assigning different groups of secure sockets layer (SSL) session identifiers to different servers in a server farm (Spec. 3). In particular, a load balancer includes a table that stores lists of ranges of SSL session IDs assigned to each server (*id*. 6) and each server includes a record that identifies SSL session IDS that may be used by the server in identifying SSL sessions. (*Id*.)

## B. ILLUSTRATIVE CLAIMS

Claims 1 and 19, which further illustrate the invention, follow.

1.    A method of load balancing messages to servers of a server farm, by a load balancer, comprising:

configuring the load balancer with information specifying a pre-assignment of different groups of session ID values to respective ones of the servers, each of said servers being operative to assign session ID values from its associated one of the pre-assigned groups to sessions handled by that server;

determining, by the load balancer, for at least some client messages including a non-empty session ID field, which server or sub-group of servers is associated with the ID in the ID field, responsive to the configured information; and

selecting, by the load balancer, a server to receive each of the at least some client messages, at least partially responsive to the determination.

19.    A load balancer, comprising:

a memory unit adapted to store configured information specifying a pre-assignment of different groups of session ID values to respective ones of the servers, each of said servers being operative to assign session ID values from its associated one of the pre-assigned groups to sessions handled by that server;

an input interface adapted to receive client messages; and

a load balancing unit which is adapted to select a server to receive at least one of the client messages, at least partially responsive to the contents of the memory unit, and to forward the at least one of the client messages to the selected server.

## C. REJECTION

Claims 1-5, 7-12 and 14-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,772,333 ("Brendel"), U.S. Patent No. 5,774,668 ("Choquier"), and U.S. Patent No. 6,138,120 ("Gongwer"). Claims 6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brendel, Choquier, Gongwer, and U.S. Patent No. 6,611,498 ("Baker").

## II. ISSUES

Appellants dispute the Examiner's conclusion of obviousness of claim 1 and argue that Brendel, Choquier, and Gongwer fail to teach all claim limitations. In particular, Appellants argue that the combination of references fails to disclose the load balancer with information specifying a pre-assignment of different groups of session ID values to respective ones of the servers, each of said servers being operative to assign session ID values

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from its associated one of the pre-assigned groups to sessions handled by that server (App. Br. 5). Claim 19 recites a load balancer with a memory unit that stores information specifying a pre-assignment of different groups of session ID values to respective ones of servers, each of the servers being operative to assign session ID values from its associated one of the pre-assigned groups to sessions handled by that server. Appellants argue patentability of claim 19 because claim 19 is "similar to . . . independent claim 1" (App. Br. 7).

In response, the Examiner asserts that "the Brendel-Choquier-Gongwer combination discloses the capability for the selection of a session identifier from a pool of identifiers." (Ans. 20).

We find the evidence in the record before us is insufficient to support the Examiner's conclusion of obviousness for claims 1 and 19. The Examiner cites Choquier and Gongwer as disclosing "the selection of a session identifier value. (see Choquier col. 15, lines 28-41: load management system utilizing a range of values assigned to each entity (i.e., server, processor) and utilized in the generation of a calculated ID value (i.e., session ID or session information))" (Ans. 20) and "the capability for the selection of a session identifier from a pool of identifiers. (see Choquier col. 15, lines 28-41 . . . ) . . . (see Gongwer col. 2, lines 2-5; col. 9, lines 52-54; col. 12, lines 54-57; col. 12, lines 62-65: session identifier selected from pool of unassigned session identifiers)" (*Id.*)

However, we find that Choquier discloses a technique of using ranges of integer values for selecting a server in which servers with higher available processing power are selected preferentially over servers with lower processing power (Choquier, col. 15, ll. 22-50). Gongwer further discloses servers assigning session handles that are selected from a pool of unassigned session handles (Gongwer, col. 2, ll. 2-5). Additional cited passages in the Gongwer reference (*e.g.*, col. 9, lines 52-54; col. 12, lines 54-57; and col. 12, lines 62-65) also disclose assigning session handles that are selected from a pool of session handles.

Although Gongwer discloses selecting session handles from a pool of session handles and assigning the selected session handles to sessions, the Examiner fails to establish that Gongwer also discloses pre-assigning different groups of session identifier values to respective servers where each of the servers assign session identifiers to sessions from the corresponding pre-assigned group of session identifiers or that the pool of session handles are pre-assigned in different groups to respective servers.

We also find that Gongwer fails to disclose a load balancer as recited in claim 19 in which the load balancer comprises a memory unit that stores information specifying a pre-assignment of different groups of session ID values to respective ones of servers, each of the servers assigning session ID values from its associated one of the pre-assigned groups to sessions handled by that server. Instead, Gongwer appears to disclose assigning session handles to sessions where the session handles are selected from a group.

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The Examiner has not shown that the group of session handles from which session handles are selected in Gongwer is pre-assigned in different groups to respective servers.

Also, we disagree with the Examiner's finding that Choquier discloses a "load management system utilizing a range of values assigned to each entity (i.e., server, processor) and utilized in the generation of a calculated ID value (i.e., session ID or session information))." (Ans. 20). Rather, Choquier appears to disclose assigning a range of consecutive integer values to servers where the size of the range of integer values is proportional to the processing power of the respective server. Choquier does not disclose that the assigned range of integer values is assigned as a session identifier.

Thus, we find that the combination of Choquier and Gongwer fails to disclose a load balancer pre-assigning different groups of session ID values to respective servers and each server assigning session ID values from a corresponding pre-assigned group to sessions handled by the server.

Therefore, we reverse the rejection of claims 1 and 19 and of claims 2-18 and 20-22, which depend therefrom.

### III. ORDER

In summary, the rejection of claims 1-22 under § 103(a) is reversed.

<u>REVERSED</u>

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